

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOSEPH W. HUBER, JR.

Petitioner,

-v-

WARDEN, Chillicothe Correctional
Institution

Respondent.

Case No. C-3:11-cv-008

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING HUBER'S OBJECTIONS (Doc. #34)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS; OVERRULING HUBER'S OBJECTIONS TO
THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (Doc. #38); ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL
REPORT AND RECOMMENDATIONS (Docs. #30 and 36) IN THEIR
ENTIRETY; DISMISSING HUBER'S PETITION FOR A WRIT OF
HABEAS CORPUS WITH PREJUDICE; DENYING ANY REQUESTED
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN
FORMA PAUPERIS*; AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to pro se Petitioner Joseph W. Huber, Jr.'s ("Huber's") Objections (doc. #34) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #30) and Huber's Objections (doc. #38) to Magistrate Judge Merz's Supplemental Report and Recommendations (doc. #36). Magistrate Judge Merz's Report and Recommendations and Supplemental Report and Recommendations both recommend that Huber's Petition for a Writ of Habeas Corpus be dismissed with prejudice and that Huber be denied a certificate of appealability and leave to appeal *in forma pauperis*.

The time has run and the Warden has not responded to either of Huber's Objections. Huber's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Huber's Objections to the Magistrate Judge's Report and Recommendations and Huber's Objections to the Magistrate Judge's Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Huber's Petition for a Writ of Habeas Corpus is dismissed with prejudice. Further, Huber is denied a certificate of appealability and leave to appeal in forma pauperis. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Fourth Day of February, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Joseph W. Huber, Jr. at his last address of record